

Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the remarks to clarify issues on appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

112 Rejection

The Examiner rejected claims 1-17 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More particularly, the Examiner states:

The limitation "utilizing a preset calling function at preset intervals to identify a potential theft when the position has not violated the boundary conditions" was not described in the specification. The passage in the specification that was alleged by the applicant as describing this limitation (page 8, lines 12-22) states that the portable computer periodically reports its identification and its location, but does not describe how a potential theft may be identified when the portable computer has not violated the boundary conditions.

Applicant respectfully disagrees. The referenced section of page 8, lines 12-22, clearly describes how, with the boundary check facility in the present invention enabled, the location and identification of the portable computer system is reported even while the preset boundary conditions have not been violated. Applicant has reproduced this section for convenience of reference:

In addition to the effective comparison of a current position to preset boundary conditions to assist in controlling against theft in the present invention, the possibility exists that a portable computer may remain within the preset boundary conditions and yet be stolen. Therefore, in accordance with a further aspect of the present invention, while the boundary check facility is enabled, a call is made from the portable computer 30 via the COM control unit 300 to a preset phone number, e.g., the emergency phone number, at preset intervals, such as once a day. The

call provides information that identifies the portable computer and the location of the portable computer based on the GPS data. Thus, if the portable computer 30 remains 'in-bounds' but is stolen, the scheduled reporting feature of the present invention allows the location of the stolen computer to be reported.

As this description demonstrates, while the portable computer is within the preset boundary conditions, the receiver of the call to the preset phone number knows where the portable computer is. Applicant respectfully submits that such information reasonably conveys to anyone that if the portable computer is missing, locating the portable computer occurs when the position is reported by the information provided from the preset call. In this manner, a potential thief would be unable to hide the portable computer, since, as is further stated on page 8, line 22 continuing to page 9, line 1, "in order to change the frequency of the scheduled call-in or to disable the feature would require the PAP [privilege access password], and thus, perpetrators would be unable to counteract the function." In view of the foregoing, Applicant respectfully submits that the specification demonstrates the inventors' possession of the claimed invention at the time the application was filed, and Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, first paragraph.

Cited Art Rejections

The Examiner maintained the rejection of claims 1, 2, and 5-17 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Klein and of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Klein and further in view of Isikoff. In making these cited art rejections, the Examiner appears to not address the limitation of the utilization of the cellular calling functionality at preset intervals to identify a potential theft when the boundary conditions have not been violated and merely restates the rejections presented in the previous Office Action (dated 4/5/02). As stated hereinabove, Applicant believes this limitation is fully

supported by the specification and as such, should be considered when making the cited art rejections. Applicant respectfully reiterates that the cited art fails to teach, show, or suggest Applicant's invention which includes this limitation as recited in independent claims 1, 6, and 13, reproduced herein for convenience of reference:

1. A method for providing protection against theft and loss of a portable computer system, the method comprising:
 establishing boundary conditions within which the portable computer system is authorized for use;
 tracking a position of the portable computer system with a global position system (GPS) unit in the portable computer system;
 comparing the position to the boundary conditions to identify whether the portable computer system has violated the boundary conditions;
 performing anti-theft routines when the position has violated the boundary conditions;
 and
 utilizing a preset calling function at preset intervals to identify a potential theft when the position has not violated the boundary conditions.

6. A method for providing protection against theft and loss of a portable computer system, the method comprising:
 utilizing GPS (global position system) functionality within a portable computer system to track a position of the portable computer system;
 identifying when the position tracked by the GPS functionality violates preset boundary conditions of the portable computer system;
 utilizing cellular calling functionality within the portable computer system to report a potential theft of the portable computer system when the preset boundary conditions have been violated; and
 utilizing a preset calling function at preset intervals with the cellular calling functionality to identify a potential theft when the preset boundary conditions have not been violated.

13. A communication control system for providing built-in anti-theft capabilities in a portable computer system, the communication control system comprising:
 a controller;
 a cellular unit for performing a calling function at preset intervals;
 a GPS (global position system) unit coupled to the controller for tracking a position of the portable computer system; and
 a storage unit, the storage unit coupled to the controller and storing preset boundary conditions and out-of-boundary actions, wherein the controller compares the position to the boundary conditions and initiates the out-of-boundary actions when the comparison identifies a violation of the boundary conditions, and wherein the calling function provides for an identification of a potential theft when there is not a violation of the boundary conditions.

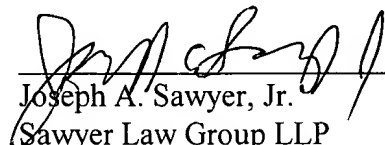
As previously stated by the Applicant, in the cited art of Hertel, an approach for protection against theft and loss of a motor vehicle is described that monitors and bounds the path of the vehicle utilizing GPS signals. The Hertel system includes a kill switch mechanism that disables the vehicle when the ground position of the vehicle is outside of the bounded area of permitted operation (e.g., see Hertel's Abstract). The Examiner combines the teachings of Hertel with Klein's discussion of generating an alarm in a portable computer system in rejecting the Applicant's invention. However, even when considering Hertel in view of Klein, Applicant respectfully submits that there is nothing to teach or suggest the utilization of cellular calling functionality at preset intervals for identifying a potential theft when boundary conditions for a portable computer system have not been violated, as recited in the present invention. Hertel's determination of potential misuse of a vehicle is based solely on comparisons of a current position to preset boundary conditions and identification of violations of those preset boundary conditions. Maintenance of the vehicle within those preset boundary conditions would indicate proper use of the vehicle. The calling feature of Klein is one possible "theft deterrence action" that occurs when an alarm condition is identified for the portable computer system (e.g., see Klein's FIG. 4). There is nothing to teach or suggest utilization of the calling feature in Klein to identify a potential alarm condition. Thus, Applicant respectfully submits that Hertel in view of Klein fails to teach, show, or suggest the recited invention of independent claims 1, 6, and 13.

Further, the Examiner cites Isikoff for teaching the utilization of a password in an anti-theft routine for a portable computer system. In view of the foregoing, Applicant respectfully submits that even the inclusion of Isikoff with Hertel and Klein would not result in Applicant's recited invention, including the utilization of cellular calling functionality at preset intervals to

identify a potential theft when boundary conditions have not been violated. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,



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